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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,452	07/15/2005	Marc Mahy	55505.151	5617

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EXAMINER
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WILLIAMS, KIMBERLY A

ART UNIT	PAPER NUMBER
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2625

NOTIFICATION DATE	DELIVERY MODE
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08/26/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/520,452	<b>Applicant(s)</b> MAHY ET AL.	
	<b>Examiner</b> Kimberly A. Williams	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-21, 23-26 and 29-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-21, 23-26 and 29-33 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). Although the application as filed is complete, drawings are being required by the examiner since the claims are drawn to a method, computer readable medium, data processing system, color proof and printing plate. Please note MPEP 608.02 (IV).

### ***Claim Objections***

2. Claims 11 and 12 are objected to because of the following informalities: line 2 "other" should read --another--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 16 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Please recite "a computer readable storage medium embodied with a program to be execute..." Please also note that correcting claim 16 may result in it being a duplicate to claim 17.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1,2,5,7,16-18,21,24,25,29,30 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Redding et al. (US 2003/0128246).

Regarding **claim 1**, Redding et al. teach a method for outputting an image having a specific color on an output device (ink jet printing), the method comprising the steps of: analyzing said image for an overlap of said specific color with another color (pg 6 0109, fall-on prediction (i.e., overlapping note pg 4 0067 last 7 lines) for six-color digital printer); and creating a model for said output device (pg 7 0116), based on said analysis, wherein said model encompasses said specific color, uses spectral information of said specific color and is created in a particular space having a one-to-one relation to a device independent color space (CMYKOG to Lab and vice versa).

Regarding **claim 2**, Redding teaches using said model for computing color values of said specific color in said particular color space (pg 7 0116 last line).

Regarding **claim 5**, Redding teaches that the other color is selected from the group of a process color and a non-process color (pg 7 0116 CMYKOG).

Regarding **claim 7**, Redding teaches that the output device is an ink jet printer (pg 1 002).

Regarding **claims 16-18 and 21**, Redding teaches a data processing system, a system for outputting an image on an output device and a computer readable medium comprising program code adapted to carry out the invention as outlined in claim 1 (pg 3 0058-0059).

**Claim 24** is similarly analyzed as claim 2.

Regarding **claim 25**, Redding teaches that the image data comprise data on said specific color (pg 6 0109, fall-on prediction (i.e., overlapping note pg 4 0067 last 7 lines) for six-color digital printer).

**Claim 29** is similarly analyzed as claim 5.

**Claim 30** is similarly analyzed as claim 7.

Regarding **claim 33**, Redding teaches an ink jet printing system (pg 3 0058 line 1).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3,6,23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Redding et al. in view of Dewitte et al. (US 2002/0008880) as cited by applicants.

Regarding **claim 3**, Redding fails to specifically disclose analyzing for an overlap of a non-process color with another color.

Dewitte teaches a proofing method and apparatus wherein printed colors that include both process colors and standard colors (i.e., non-process colors) are analyzed to output a mathematical calculation (i.e., model) for a combination of process (CMYK) and non-process (Pantone) colors (pg 7 0102).

Redding could be modified with the proofing method as taught by Dewitte. This modification would have been obvious to one having ordinary skill in the art at the time of the invention for more precise color matching when special inks are used.

**Claim 26** is similarly analyzed as claim 5.

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Regarding **claims 6 and 23**, Redding fails to specifically disclose that the particular color space is CIE XYZ.

Dewitte teaches a proofing method and apparatus wherein the color profile converts any ink combination into device independent color values that include both CIE-Lab and CIE-XYZ (pg 7 0098).

Redding could be modified use the XYZ color space. This modification would have been obvious to one having ordinary skill in the art at the time of the invention since the Lab color space is based on the XYZ color space.

8. Claims 8-14, 19,20,31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Redding et al. in view of Ben-Chorin (US 2002/0128246).

Regarding **claim 8**, Redding fails to specifically disclose that the output device is a printer using printing plates.

Ben-Chorin teaches a spectrally matched print proofer wherein instead of filters close to that of typical process inks and resulting overlaps, inkjet printers or offset machines might be used (pg 9 0103).

Redding could be modified to use an offset printer instead of an inkjet printer. This modification would have been obvious to one having ordinary skill in the art at the time of the invention so that special inks might be used.

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Regarding **claim 9**, Redding teaches creating a first inverse transformation from said particular space to a first colorant space (pg 7 0116, Lab to CMYKOG).

Redding fails to specifically disclose that the first colorant space is of another output device.

Ben-Chorin teaches a spectrally matched print proofer wherein inverse transformation is performed for the purpose of soft proofing on a display (pg 3 0032).

Redding could be modified to inverse transform the data for output to another device. This modification would have been obvious to one having ordinary skill in the art at the time of the invention so that the user could preview the image before printing.

Regarding **claim 10**, using the offset printer as suggested by Ben-Chorin (see claim 8), once the files are converted to a first colorant space, the file would be converted to CMYK separations and then plates are created (pg 3 0024).

Regarding **claim 11**, Ben-Chorin teaches that the another output device is a proofing device (display pg 3 0032).

Regarding **claim 12**, Ben-Chorin teaches that the another output device is an inkjet printer (pg 3 0032,0034).



Regarding **claim 13**, Ben-Chorin in view of Redding teaches creating a second inverse transformation from said particular space to a second colorant space (Redding pg 7 0116, Lab to CMYKOG).

Regarding **claim 14**, using the offset printer as suggested by Ben-Chorin (see claim 8), once the files are converted to a second colorant space, the file would be converted to CMYK separations and then plates are created (pg 3 0024).

**Claim 19** is similarly analyzed as claim 11.

**Claim 20** is similarly analyzed as claims 1 and 8.

**Claim 31** is similarly analyzed as claim 8.

Regarding **claim 32**, Ben-Chorin teaches that system is a proofing device (display pg 3 0032).

***Allowable Subject Matter***

9. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly A. Williams whose telephone number is (571) 272-7471. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kimberly A Williams/  
Primary Examiner, Art Unit 2625

KAW  
August 21, 2008